

CHRISTOPHER S. PORRINO  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the State Board of Nursing

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
CHRISTINA M. DIRGO, RN	:	
License 26N005595600	:	FINAL ORDER
	:	OF DISCIPLINE
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

### FINDINGS OF FACT

1. Christina M. Dirgo ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, whose license expired on May, 31, 2015.

2. On or about May 31, 2013, Respondent completed and submitted an online biennial renewal application. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013" referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application. Respondent was also asked whether she had been arrested or convicted of any offense, including DWI, since her last renewal on or around May 31, 2011. The Board incorrectly found that Respondent answer "no" and certified that answer by submitting the online application.

3. After receiving a Reporting Form for Impairment from Respondent's employer and receiving information indicating that Respondent had DWIs in 2011 and 2012, the Board sent a letter of inquiry requesting information and documentation regarding the allegations, Respondent's nursing practice, and proof of continuing education to Respondent's address of record in

Verona, New Jersey, via regular and certified mail on or about March 7, 2014.

4. Respondent replied and indicated that she would go for rehabilitation as soon as funds became available and that she would contact the Board's designated intervention program, the Recovery and Monitoring Program (RAMP), when she started. Regarding continuing education, Respondent maintained that she did 30 or more hours per year as required, but that she had no proof of completion.

5. Respondent's license to practice nursing expired on May 31, 2015 and has not been renewed.

#### CONCLUSIONS OF LAW

Any professional or occupational license not renewed within thirty days of its expiration date shall be suspended without a hearing pursuant to N.J.S.A. 45:1-7.1(b). As such, Respondent's license was automatically and administratively suspended, without a hearing, on July 1, 2015.

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. By February 7, 2014, every Registered Professional Nurse was required to complete a one hour course on organ and

tissue donation in accordance with N.J.A.C. 13:37-5.3(j). Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's misrepresentation during the license renewal process regarding the continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions. Additionally, Respondent's failure to disclose the DWI arrests and convictions on her renewal application constitutes an additional violation of N.J.S.A. 45:1-21(b).

Regarding Respondent's two DWI convictions, the Board finds that Respondent has been convicted of, or engaged in acts constituting a crime or offense relating adversely to the practice of nursing pursuant to N.J.S.A. 45:1-21(f). The Board

also finds that testing, monitoring, evaluation, and treatment are warranted as a condition for reinstated licensure to evaluate whether Respondent's continued practice may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(f) and to ensure that Respondent can properly discharge nursing functions pursuant to N.J.S.A. 45:1-22(e).

#### DISCUSSION

A Provisional Order of Discipline (POD) was filed on March 7, 2016, based in part upon Ms. Dirgo's multiple DWIs and her failure to demonstrate completion of required continuing education. The POD seeks a reprimand, \$250 civil penalty, comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program - the Recovery and Monitoring Program (RAMP) -- and a suspension until Ms. Dirgo demonstrates that she is fit and competent, gains RAMP's support for reinstatement, and provides proof of completion of required continuing education.

Ms. Dirgo replied to the POD. She does not oppose the findings of the Board or the suspension. She maintains that she will enroll in and participate with RAMP and complete required continuing education when she seeks reinstatement of her license.

Regarding the reprimand for misrepresentation on her 2013 renewal, Ms. Dirgo points out that she answered "yes" (not "no" as incorrectly alleged in the POD) to the question which asked whether she had been arrested or convicted since her last renewal. Therefore, the Board's finding that her failure to disclose the DWI arrests and convictions on her renewal application was an additional violation of N.J.S.A. 45:1-21(b) should be eliminated. Nonetheless, Ms. Dirgo is still subject to the reprimand for answering that she had completed the required continuing education as she was unable to demonstrate, to the satisfaction of the Board, that she did so.

ACCORDINGLY, IT IS on this 18 day of August, 2016,  
ORDERED that:

1. Respondent's license to practice nursing was administratively suspended, without a hearing, on July 1, 2015, pursuant to N.J.S.A. 45:1-7.1(b). Respondent's license to practice nursing is hereby disciplinarily suspended until such time as Respondent a) demonstrates, to the satisfaction of the Board, that she is fit and competent to practice after participating with RAMP and gaining RAMP's support for reinstatement, b) provides the Board with proof of completion of thirty hours of continuing education for each biennial renewal

period from June 1, 2011 to the time of reinstatement, including the one hour course on organ and tissue donation, and c) meets all other requirements for reinstatement.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, RAMP, demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, provides documentation of continuing education from June 1, 2011 to the time of reinstatement, and complies with all other requirements for reinstatement.

3. By undergoing evaluation, Respondent expressly waives any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A reprimand is imposed on Respondent for misrepresenting the continuing education information on the license renewal application.

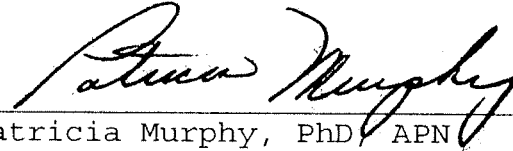
6. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of service of a filed **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

7. Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.



NEW JERSEY STATE BOARD OF NURSING

By:

A handwritten signature in cursive script, appearing to read "Patricia Murphy", written over a horizontal line.

Patricia Murphy, PhD, APN  
Board President